(3)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 1637 OF 2006

PETITIONER: Aditya Tiwari, S/o- Shri Badri Vishal Nath Tiwari, Aged About- 25 Years, R/o- Village –Langadatar, Post-Rajapur, Sarriya Distt- Faizabad (U.P.)

VERSUS

RESPONDENT:

1. Chhattisgarh Public Service Commission, through it's Chairman Opposite Rest House Pahuna Raipur (C.G.)

2. The Exam Controller Chhattisgarh Public Service Commission, Opposite Rest House Pahuna, Raipur (C.G.)

Presented on 20/3/06 dated 17/09/06

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF AN APPROPRIATE WRIT IN THE NATURE OF MANDAMUS / CERTIORARI ETC. OR DIRECTION / ORDER IN THE LIKE NATURE.

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HIGH COURT OF JUDICATURE AT BILASPUR, CHHATTISGARH

SINGLE BENCH: HON'BLE SHRI S.R. NAYAK, CJ.

WRIT PETITION NO.1624 OF 2006

PETITIONER — Ramesh Kumar Singh, S/o Shri Shyam Bihari Singh, Aged about 30 years, R/o Village & Post – Chaugain Distt. Buxar, Bihar

Vs.

RESPONDENTS

1. Chhattisgarh Public Service Commission, through it's Chairman Opposite Rest House Pahuna Raipur (C.G.)
2. The Exam Controller Chhattisgarh Public Service Commission, Opposite Rest House Pahuna, Raipur (C.G.)

WRIT PETITION NO.1637 OF 2006

PETITIONER — Aditya Tiwari, S/o Shri Badri Vishal Nath Tiwari, aged about 25 years, R/o Village – Langadatar, Post – Rajapur, Sarriya Distt. Faizabad (U.P.)

Vs.

RESPONDENTS

1. Chhattisgarh Public Service Commission, through it's Chairman Opposite Rest House Pahuna Raipur (C.G.)
2. The Exam Controller Chhattisgarh Public Service Commission, Opposite Rest House Pahuna, Raipur (C.G.)

WRIT PETITION NO.1625 OF 2006

PETITIONER — Ajay Kumar, S/o Shri Ram Chandra Gupta, Aged about 30 years, R/o Girdhar Ka Chouraha, Distt. Mirzapur (U.P.)

Vs.

RESPONDENTS

1. Chhattisgarh Public Service Commission, through it's Chairman Opposite Rest House Pahuna Raipur (C.G.)

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2. The Exam Controller
Chhattisgarh Public Service
Commission, Opposite Rest House
Pahuna, Raipur (C.G.)

Present: Mr. Vinay Pandey, learned counsel for the petitioners.
Mr. Abhishek Sinha, learned counsel for the respondents.

ORAL ORDER
(Passed on 5th April, 2006)

The point that arises for decision-making in all these writ petitions is common. Therefore, all these writ petitions were heard together for admission.

(2) It was contended by the learned counsel for the petitioners that all the petitioners are quite meritorious and in fact, they have secured high percentage of marks in all subjects except in General Studies. It is stated that the petitioners have done well in General Studies also and it is quite surprising how they could be awarded with lower percentage of marks in that subject. In view of this self-assessment of the petitioners and apprehending that their answer-scripts in General Studies were not properly valued, the petitioners have sought intervention of the Court.

(3) I do not think that the petitioners have made out any ground for judicial review. The self-assessment of the petitioners that they would have got more marks than what is awarded to them in General Studies, is totally irrelevant for the decision-making. The self-assessment cannot be equated to objective assessment made by the respondent –authorities. Secondly, both in terms of human experience and logic, it cannot be said that simply, because, a student has secured high percentage of marks in a subject, he should necessarily or naturally secure high percentage of

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marks in all other subjects also. Thirdly, it is fairly well settled by the judgment of the Supreme Court in **Maharashtra State Board of Secondary and Higher Secondary Education and another Vs. Paritosh Bhupesh Kurmarsheth, etc.**[1] the answer-scripts cannot be summoned before the Court either for perusal or for directing second revaluation unless the regulations provide for it. Be that as it may, there is absolutely no material placed before the Court on the basis of which the Court could possibly doubt the fair valuation of the answer-scripts of the petitioners in General Studies. Cumulatively, if I may say so, these are not fit cases where the Court should step in under Article 226 of the Constitution of India. The writ petitions are, therefore, dismissed. No costs.

Sd/-
Chief Justice

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1. AIR 1984 SC 1543